

Appl. No. 10/517,467
Reply to Office Action of Aug. 25, 2006

Amendments to the Drawings:

The attached sheets of drawings replace the respective original sheets.
Sheet 2 includes changes to Fig. 2. In Figure 2, the boxes have been correctly labeled.

Attachment: Replacement Sheets 1 and 2

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STATUS OF CLAIMS

Claims 1 – 5 are pending.

Claims 1 – 5 stand rejected.

Remarks/Argument

Reconsideration of the subject application is respectfully requested.

Objections to Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) have been required by the Examiner. The Examiner states that "Fig. 1 should have correct labels within the box." Upon review, Applicant believes Examiner meant to identify Fig. 2 rather than the Fig. 1, and has amended Fig. 2 of the drawings to include appropriate labels. Reconsideration and removal of this objection is requested.

Applicants have also replaced the original sheet for Fig. 1 with a sheet with proper margins.

35 U.S.C. 102(b) Rejections

Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. 102(b) as being unpatentable over Hong (U.S. Patent No. 6,314,066). Applicant traverses these rejections, as the cited art fails to teach each of the limitations of the pending claims.

35 U.S.C. 102(b) sets forth in part:

A person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

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"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." MPEP 2131. As set forth below, as to each of claims 1, 2, 4 and 5 there is at least one element which is neither expressly nor inherently described in the cited patent. Moreover, there is no teaching or suggestion in the cited patent to modify the cited patent to obtain the claim limitations.

Claim 1 recites:

A method for optimized tracking of an optical scanner along a track of an optical recording medium, the track having information markings arranged in dense succession, and also having fundamental changes in properties in significantly lower density, comprising:

- formation of a track error signal
- detection of the occurrence of fundamental changes in properties of the track
- formation of an offset value from the comparison of the value of the track error signal that occurs shortly before and shortly after the fundamental change in properties
- formation of the track error signal, taking account of the offset value and
- repetition of the aforementioned steps.

As to claim 1, Hong does not disclose at least the limitations of: "formation of an offset value from the comparison of the value of the track error signal that occurs shortly before and shortly after the fundamental change in properties," and "formation of the track error signal, taking into account of the offset value."

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The Examiner contends that, as to claims 1 and 5, "formation of an offset value from the comparison of the value of the track error signal that occurs shortly before and shortly after the fundamental change in properties" is taught by Fig. 1, elements 109 and 110 of Fig. 1 of Hong and Col. 2, lines 55 -66 of Hong. The Examiner misapprehends the teachings of Hong, and elements 109 and 110 in particular. Elements 109 and 110 are labeled "groove offset" and "land offset". See Fig. 1 of Hong (emphasis added). Hong discloses that "the tracking groove offset part 109, [and] the tracking land offset part 110 ... adjust tracking errors for the groove/land respectively." Col. 2, lines 49 – 52. There is neither any disclosure nor even a suggestion that the tracking errors for the groove and land are compared, as is taught by the present invention. Applicant respectfully submits that Hong falls to disclose or suggest or even hint at the limitation "formation of an offset value from the comparison of the value of the track error signal that occurs shortly before and shortly after the fundamental change in the properties."

The Examiner further contends that the "formation of the track error signal, taking into account of the offset value" is taught by Fig. 1 wherein "TE signal leads into groove/land offset 109/110." As set forth above, the Examiner misapprehends Hong as well as the claimed invention. Hong discloses that the error signal (TE) is generated by Error Generator 103 and elements 109 and 110 independently adjust the tracking error signals from the land and the groove respectively and feed the offset track signals to the element L/G 112 (See Fig. 1 of Hong). The present invention, on the other hand, forms a track error signal taking account of the offset value, which itself is formed based on the comparison of the values of the track

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error signal that occurs shortly before and shortly after the fundamental change in the properties. Nowhere does Hong disclose, teach or suggest that the track error that occurs shortly before and shortly after the fundamental change in properties be compared or that an offset value be formed from that comparison. In view of the foregoing, reconsideration and removal of the 102(b) rejection of Claims 1 and 5 based on Hong is, respectfully requested. Claims 2 and 4 depend from patentable independent claim 1 and are likewise allowable. Reconsideration and removal of the 102(b) rejection of claims 2 and 4 is respectfully requested.

35 U.S.C. 103(a) Rejections

Claim 3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hong et al. In view Park (US Application 20020039331). Claim 3 depends from the patentable base claim 1. Hence Claim 3 is also patentable as the secondary reference Park fails to cure the deficiency of Hong et al. Reconsideration and removal of the 35 U.S.C. 103(a) rejection of claim 3 is respectfully requested.

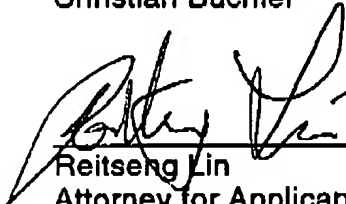
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CONCLUSION

Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,
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ANNOTATED SHEET SHOWING CHANGES

